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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RONNIE C. TURNER,

Defendant and Appellant.

A159166

(San Francisco County
Super. Ct. No. CT2513184)

In 1981, defendant Ronnie Turner was arrested for several crimes arising out of an incident in which he violently sexually assaulted a woman in her home. He pleaded guilty, served a prison sentence, and was discharged from parole in 1994. In 2018, Turner filed a petition for a certificate of rehabilitation, a petition that the trial court ultimately denied. Turner then requested reconsideration of that ruling, a request that was likewise denied.

On appeal, Turner's appointed counsel has asked this court to independently examine the record in accordance with *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) to determine if there are any arguable issues that require briefing. Turner was informed of his right to file a supplemental brief, and did not do so. We have independently reviewed the record in accordance with our *Wende* obligations and find no arguable issues. We thus affirm.

BACKGROUND

In 1981, Turner was arrested and charged with forcible rape (former Pen. Code, § 261, subd. (3))¹, forcible oral copulation on a child under 14 (former § 288a, subd. (c)), first-degree burglary (§ 459), robbery (§ 211), and false imprisonment (§ 236). He ultimately pleaded guilty, was sentenced to 13 years, 4 months in prison, and was paroled on February 3, 1990. He was discharged from parole sometime after February of 1994.

On December 5, 2018, Turner, in propria persona, filed a “Petition for Certificate of Rehabilitation and Pardon” pursuant to sections 4852.01 and 4852.06 in San Francisco Superior Court, using a standard form prepared by the Investigations Division of the Board of Prison Terms. The form contained a standard declaration that, “During the period of my rehabilitation, I have lived an honest and upright life, conducted myself with sobriety and industry, and exhibited good moral character. I have conformed to and obeyed all the laws of the land.” (See § 4852.05.) The petition attached several pages of Turner’s criminal history record dated November 27, 2018 from the San Francisco Police Department. On January 4, 2019, the San Francisco District Attorney filed opposition, arguing that the trial court should deny the petition because of Turner’s numerous convictions in the ten years following his discharge from parole, and because of his failure to demonstrate industry or sobriety or to take responsibility for his original offenses. And on January 11, Turner filed a handwritten reply, in which he disputed that he had been convicted of sex with a person under the age of 14, and requested that counsel be appointed to represent him.

¹ Further statutory references are to the Penal Code.

On January 14, the trial court held a hearing on Turner's petition, at which it appointed conflict counsel for Turner after the public defender's office declared a conflict. The trial court then continued the hearing until February 4.

Hearings on Turner's petition took place on February 4, March 4, April 29, and August 26, in advance of which hearings the District Attorney filed several supplemental status reports. In the second such status report, filed March 6, the District Attorney indicated that at the hearing held February 4, the prosecutor had informed the trial court and Turner's counsel that "[Turner]'s index crime victim (from 1981) was an adult, not a child (as incorrectly reflected in the state rap sheet)."

A hearing on the merits of Turner's petition ultimately took place on September 23. The trial court indicated that it had received several exhibits to Turner's petition: a letter dated April 8, 2019 from the San Francisco Pretrial Diversion Project indicating Turner had been admitted to the program in October 2018 and completed six months of outpatient treatment; two handwritten letters of recommendation, one from Turner's sister; a document indicating Turner "was in a pre-apprentice program but that didn't go well and he was suspended from that program"; and a June 28, 2018 letter from a deputy public defender indicating that Turner "is currently a Clean Slate Client trying to get his record expunged" and "is not on probation and continues to remain arrest and crime free."

The prosecutor argued that a certificate of rehabilitation was not warranted given the serious sexual nature of the original offense, Turner's numerous arrests in the ten years following, and Turner's 2016 conviction for failure to register as a sex offender. Turner's counsel argued that a certificate was warranted, in part because of the time since the original

offense, and Turner's recent sobriety. At the conclusion of the hearing, the trial court denied the petition without prejudice.

On October 2, Turner, in propria persona, filed a handwritten "Motion for Rehearing, New Hearing and Clarification." On October 7, the District Attorney filed a "Supplemental Status Report" in response. At a hearing on November 4, the trial court again "clarifie[d] that defendant's conviction in this matter involves an adult (not a child) victim."

On November 22, Turner, in propria persona, filed a handwritten "Motion for the 1. Destruction of the Opposition Inaccurate Statements 2. or Written Corrections 3. the Expungement of All Applicable Criminal Records from 1980-to date."

A hearing was held on December 2, at which Turner appeared in propria persona. At the conclusion of the hearing, the trial court denied the motion for rehearing.

On December 11, Turner filed a notice of appeal of the trial court's December 2 order.

DISCUSSION

We have carefully reviewed the entire record in accordance with our *Wende* obligations, and we conclude there are no arguable issues on appeal that require further briefing.

DISPOSITION

The order is affirmed.

Richman, J.

We concur:

Kline, P.J.

Miller, J.

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